

RECEIVED
CENTRAL FAX CENTER

OCT 25 2005

PATENT

DOCKET SEI0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Stephan C. Ewing

:Examiner: Ruth C. Rodriguez

Serial Number: 10/802,242

:Group 5222

Filed: 01/25/05

:Phone (571) 272-7070

:FAX (571) 273-8300

:Date 10/25/05

10 For: Manually Releasable Clip Holder

ELECTION OF SPECIES

Mail Stop: NON-FEE AMENDMENT

15 Hon. Commissioner of Patents and Trademarks

PO BOX 1450

ALEXANDRIA, VA 22313-1450

Dear Sir:

20 This communication is responsive to the Final Office Action mailed 10/06/05
concerning the above referenced patent application.**Election of Species:**25 The client elects to proceed with prosecution of Species I which includes the sub-
species I through IV identified by the Examiner in her paper mailed 10/05/05 on page 2
lines 3 and subsequent without traverse.**REMARKS**Status of Claims30 Claims 1 - 20 are present for examination. Claims 1, 7, 12, and 16 and 18 are
independent.

Claims 1- I	Fig 1 -7d except 6	Species I, Sub I
2-D1	"	Species I, Sub I
3-D1	"	Species I, Sub I
4-D1	"	Species I, Sub I
35 5-D1	"	Species I, Sub I

	6-D1	"	Species I, Sub I
	7-I	Fig 7a - 7d except 6	Species I, Sub I
	8-D7	"	Species I, Sub I
	9-D7	"	Species I, Sub I
5	10-D7	"	Species I, Sub I
	11-D7	"	Species I, Sub I
	12-I	Fig. 8a - 8l	Species II
	13-D12	Fig. 8a - 8l	Species II
	14-D12	Fig. 8a - 8l	Species II
10	15-D12	Fig. 8a - 8l	Species II
	16-I	Fig. 9a - 9d	Species I, Sub III
	17-D1	Fig 1 - 7d except 6	Species I, Sub I
	18-I	Fig. 10a - 10b	Species I, Sub IV
	19-D18	"	"
15	20-D18	"	"

On Sub species II

The Examiner has identified Figures 7a - 7d as a second species which is not the case. Figures 7a - 7d are described in the BRIEF DESCRIPTION OF THE DRAWINGS at page 9 paragraph 30 as characterizing a sequence of operations of the first embodiment. These figures show a progression of movement of the flap and the serpentine clip on the tape measure are joined. However, Figures 7a - 7d do show the return spring 54 without a means for coupling it to the base or the flap 30 which may have led the Examiner to conclude that the drawing was showing another alternative embodiment, which is not the purpose of the Figures 7a - 7d. The purpose of Figures 7a - 7b show how the invention is used to capture and hold the tape measure without the possibility of its escape. .

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 500656. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise

improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 500656. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 500656.

Respectfully Submitted,

James F. Kirk
James F. Kirk
Registration No. 29,398,

10

Phone (714) 840-1403
Fax (714) 840-8434

15 Mail Correspondence to:
16365 Maruffa Circle
Huntington Beach, CA 92649-2134

RECEIVED
CENTRAL FAX CENTER

OCT 25 2005

PATENT

DOCKET SEI0301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: Stephan C. Ewing

:Examiner: Ruth C. Rodriguez

5

Serial Number: 10/802,242

:Group 5222

Filed: 01/25/05

:Phone (571) 272-7070

10

:FAX (571) 273-8300

:Date 10/25/05

For: Manually Releasable Clip Holder

15

Mail Stop: NON-FEE AMENDMENT
Hon. Commissioner of Patents and Trademarks
PO BOX 1450
ALEXANDRIA, VA 22313-1450

20

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this correspondence is being facsimile transmitted to the
Patent and Trademark Office (Fax No. (571) 273-8300 on October 25, 2005

Attached: Election of Species on 3 Pages

25

James F. Kirk

Type or print name of person signing this certificate

30

Date: October 25, 2005

James F. Kirk

(Signature of person signing this certificate)

SEI0301.ELECTSPEC.01.AS FILED.DOC

35